

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

**GERALD KEYES, JR.,**

**Plaintiff,**

**v.**

**SCHINDLER ELEVATOR CORPORATION,**

**Defendant.**

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**CASE NO. 4:14-cv-00048**

**DEFENDANT’S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331 and 1446, Defendant, Schindler Elevator Corporation, hereby gives notice that it is removing from the Clark Circuit Court, Clark County, Indiana, to the United States District Court for the Southern District of Indiana, New Albany Division, the action entitled *Gerald Keyes, Jr., Plaintiff vs. Schindler Elevator Corporation., Defendant*, Cause No. 10C01-1404-CT-061. In support thereof, Defendant states the following:

1. On April 30, 2014, Plaintiff Gerald Keyes, Jr. (“Keyes”) filed a Complaint against Defendant in the Clark Circuit Court, Clark County, Indiana (“state court”). The case was assigned case number 10C01-1404-CT-061 in the state court. A copy of Keyes’s Complaint and Summons served upon Defendant is attached as Exhibit A.

2. Defendant received a copy of the Complaint and Summons on May 5, 2014, requiring Defendant’s initial response to be served on or before May 28, 2014. Defendant has filed this Notice of Removal in compliance with the time requirements of 28 U.S.C. § 1446.

3. Removal is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331, as this action involves claims that relate to the laws of the United States – specifically, the Americans with Disability Act of 1990, as amended, 42 U.S.C. §§ 12101-12213.

4. The United States District Court for the Southern District of Indiana, New Albany Division, is the Division which encompasses Clark County, Indiana, the county in which the state court case was filed, making removal to this Court proper pursuant to 28 U.S.C. § 1441.

5. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal has been properly served on Keyes' counsel and a copy of this Notice of Removal will be filed promptly with the Clerk of the Circuit Court of Clark County, Indiana.

6. A copy of all process, pleadings, orders, and other papers or exhibits of every kind currently on file with the state court and served on Defendant are attached to this notice of removal as Exhibit A, as required by 28 U.S.C. § 1446(a).

7. Defendant submits this Notice without waiving any defenses to the claims asserted by Keyes or conceding that Keyes has pled claims upon which relief can be granted.

**WHEREFORE**, Defendant removes the instant action from the Clark Circuit Court, Clark County, Indiana, to the United States District Court for the Southern District of Indiana, New Albany Division.

Respectfully submitted,

/s/ Michael W. Padgett

Michael W. Padgett

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Attorney for Defendant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 28<sup>th</sup> day of May, 2014, a true and accurate copy of the foregoing *Defendant's Notice of Removal* was filed electronically with the Court and served, via United States Mail, First Class Postage prepaid, to the following:

J. Gregory Joyner  
Naber Joyner & Associates  
462 South Fourth Street, Suite 1730  
Louisville, Kentucky 40202

/s/ Michael W. Padgett  
Michael W. Padgett